

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JAYNE MELE,

Plaintiff,

VERIFIED COMPLAINT

Index No.:

-against-

UNITED STATES OF AMERICA,

Defendant.
-----X

Plaintiff complaining of the defendants, through her attorneys,
KUJAWSKI & KUJAWSKI, respectfully alleges upon information and belief:

JURISDICTION AND VENUE

1. This action is brought under the Federal Tort Claims Act, 28 U.S.C. § 1346 et. seq. and § 2671 et. seq. Plaintiff is a citizen of the United States. The plaintiff, JAYNE MELE, filed a claim for Damage, Injury or Death with the United States Postal Service, Long Island District Office, P.O. Box 8304, Melville, New York 11760 on or about July 1, 2020.

2. On or about August 12, 2020, the United States Postal Service acknowledged receipt of the aforementioned claim.

THE PARTIES

3. That at all times hereinafter mentioned, the plaintiff, JAYNE MELE, was and still is a citizen of the United States.

4. That at all times hereinafter mentioned, plaintiff, JAYNE MELE, was the owner and operator of a certain motor vehicle bearing New York State registration number CGR6568, 2020.

5. That at all times hereinafter mentioned, the defendant, UNITED STATES POSTAL SERVICE (hereinafter "USPS"), was and still is the owner of a certain United States Postal Service vehicle.

6. That at all times hereinafter mentioned, the defendant, PATRICK MOCKLER, operated, managed and controlled the aforementioned United States Postal Service vehicle.

7. That at all times hereinafter mentioned, the aforementioned United States Postal Service vehicle, was being operated by the defendant, PATRICK MOCKLER, with the knowledge and consent of the defendant USPS.

8. That at all times hereinafter mentioned, the said United States Postal Service vehicle, was being operated by the defendant, PATRICK MOCKLER, in and about the business of the defendant, USPS, and for its use and purposes and on its behalf.

9. That at all times hereinafter mentioned, Route 27A at or near its intersection with Pauchogue Avenue, East Islip, Town of Islip, County of Suffolk, State of New York was and still is a public highway.

10. That on or about June 1, 2020, at approximately 5:55 PM at the place aforesaid, the aforementioned motor vehicles came into contact and collided with each other.

11. That as a result thereof, the plaintiff was injured.

12. That the said accident and injuries to this plaintiff were occasioned solely through and by reason of the carelessness and negligence of the defendants, in whole or in part, in carelessly and negligently causing and permitting the aforesaid motor vehicle to be operated in a negligent manner; in failing and omitting to have the said motor vehicle under reasonable and proper control; in carelessly and negligently causing and permitting the said motor vehicle to be operated over and along the public highways, heretofore referred to, at a high and excessive rate of speed and/or a greater rate of speed than care and caution would permit under the circumstances then and there existing; in failing to yield the right-of-way; in failing and omitting to operate the said motor vehicle with due regard for the safety of others, including this plaintiff; in carelessly and negligently failing and omitting to provide and/or make prompt and timely use

of adequate and efficient brakes, signaling devices and steering mechanism; in carelessly and negligently failing and omitting to keep and to maintain a proper lookout and to be reasonably alert; in carelessly and negligently failing to observe and obey traffic control signals, signs, devices and directions; in carelessly and negligently causing and permitting the said motor vehicle to be operated and maintained in such a negligent and reckless manner so as to precipitate the accident above referred to; that the defendants acted with reckless disregard for the safety of others; and the defendants were otherwise careless and negligent in failing and omitting to take proper and suitable precautions to avoid the said accident.

13. That as a result of the foregoing, this plaintiff sustained serious and severe personal injuries; was rendered sick, sore, lame and disabled; sustained severe nervous shock, mental anguish and great physical pain; was compelled to undergo medical aid, surgical treatment and attention; was prevented from attending to her usual duties for a long period of time, all with attendant losses; and since some of her injuries are of a permanent and lasting nature, she will continue to suffer similar damage in the future.

14. The cause of action herein specifically omits any claim for benefits presently received or to be received in the future by plaintiff pursuant to the New York Comprehensive Automobile Insurance Reparations Act.

15. The plaintiff herein has sustained a serious injury, as defined in Subdivision (d) of §5102 of the Insurance Law, or economic loss greater than basic economic loss, as defined in Subdivision (a) of §5102 of the Insurance Law.

16. That Article 16 of the CPLR, including joint and several liability for non-economic loss, is not applicable to the plaintiff's cause of action.

17. That by reason of the foregoing, plaintiff seeks damages in the amount of \$1,000,000.00.

WHEREFORE, the plaintiff, JAYNE MELE, demands judgment against the defendants in the amount of \$1,000,000.00, together with the costs and disbursements of this action.

KUJAWSKI & KUJAWSKI, ESQS.

A handwritten signature in black ink, appearing to read 'J. Spellman', is written over a horizontal line.

JENNIFER A. SPELLMAN (JS 7919)

Attorneys for Plaintiff

1637 Deer Park Avenue

P.O. Box 661

Deer Park, New York 11729-0661

(631) 242-1600

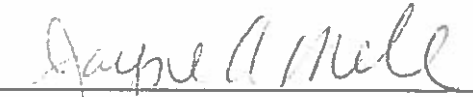
STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

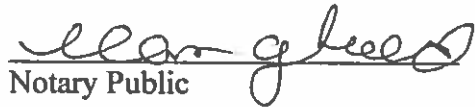
JAYNE MELE, being duly sworn, deposes and says:

That deponent is the plaintiff in the within action; that deponent has read the foregoing Complaint and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.


JAYNE MELE

Sworn to before me this

21st day of July, 2021


Notary Public

ELLEN G. HELD
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HE6346488
Qualified in Suffolk County
My Commission Expires 06-15-2026

2021